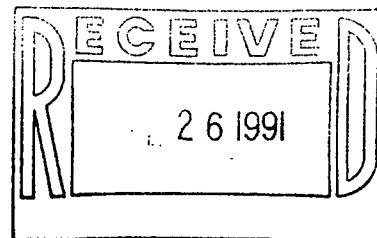




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2405



Ref: 8HWM-FF

JUL 25 1991

Mr. Frazer Lockhart
U.S. Department of Energy/Rocky Flats
P. O. Box 928
Golden, CO 80402-0928

Subject: EPA Comments on Rocky Flats Community Relations
Plan Responsiveness Summary

Dear Mr. Lockhart:

Enclosed are the comments of the U.S. Environmental Protection Agency and Colorado Department of Health on the Department of Energy's responses to public comment received on the Rocky Flats Community Relations Plan. These comments must be addressed by DOE to EPA's satisfaction before EPA can approve the final Responsiveness Summary. In addition, EPA must review the revisions to the Community Relations plan in response to the commitments made in the Responsiveness Summary before the final Responsiveness Summary can be approved.

If you have questions, please call me at 294-1134 or Sonya Pennock at 294-1137.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martin Hestmark".

Martin Hestmark
Rocky Flats Program Manager

cc. Gary Baughman: CDH
Ann Lockhart, CDH
Beth Brainard, DOE
Terry Smith, EG&G
Sonya Pennock, EPA

ADMIN RECORD

A-SW-000105



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2405

Ref: 8HWM-FF

Comments on the Draft Responsiveness Summary for the
Rocky Flats Community Relations Plan

General Comments. DOE must avoid the temptation to use the Responsiveness Summary as a vehicle to fuel further controversy associated with the plant. Comments forwarded to DOE on the Community Relations Plan (CRP) were, at times, antagonistic. EPA cannot help but notice that some of DOE's responses are very sharp in return. DOE should recognize that the DOE responses to comments will be read by others in addition to the commentor. As a result, complete, non-antagonistic responses will more likely satisfy the public, including the commentor. The Responsiveness Summary provides DOE another opportunity to establish responsibility and credibility.

There were serious concerns raised during the public comment period that appear to be repeated throughout most of the public comments presented. These include the historical presentation summarized within the CRP and the desire on the part of members of the public to have some participation in the dispute resolution process and enforcement of the IAG. Some commentors clearly do not believe that DOE has been honest about past incidents at the facility. These should be added to the concern section with examples cited. DOE should consider these concerns to a greater extent and present this consideration more fully within the context of the Responsiveness Summary and CRP.

There are numerous comments to which DOE does not directly respond. Each commentor deserves a direct, reasoned response to his/her comments.

Because EPA has not seen the changes made in the CRP in response to comments, EPA has no way of determining whether the changes adequately addressed the commentors' concerns. Final approval of the Responsiveness Summary is contingent on EPA's seeing how the CRP has been revised to reflect public comment.

Section 1.0. In the fourth paragraph, third sentence, DOE says that a copy of the transcript of the public comment "period" was placed in the information repositories. Isn't this a transcript of the public meeting?

Section 2.1. You indicate that comments that were offered by the same commentor both orally and in writing are counted twice.

This implies that they are given more weight. This should not be the case. Comments may be received orally or in writing. If a person chooses to do both, that is fine but the comments are considered as one and not given double weight.

Section 4.0, Comment 1. In the second sentence there should be a space between "plan" and "lacks".

Section 4.0, Response to Comment 3. This comment could be expanded to indicate that as the environmental restoration process moves into cleanup activities that involve transportation and disposal of waste, DOE recognizes that these issues will be a concern and the CRP should be amended to take these concerns into account.

Section 4.0., Response to Comment 10. The response does not convey the requested information regarding the current land uses to the north, south and east of Standley Lake.

Section 4.0., Response to Comment 12. You refer to the Administrative Record. Please indicate where it is available for public review.

Section 4.0., Response to Comment 13. EPA suggests that this response be expanded to indicate a) that the plant welcomes suggestions for fact sheet topics, b) where a list of already existing fact sheets is available and how the public can get copies, c) how DOE distributes fact sheets to the public. DOE needs to find ways to expand distribution of its fact sheets.

Section 4.0., Response to Comment 17. Another example of workshops in response to special informational needs is the risk assessment workshop being prepared and informational meeting devoted to the topic.

Section 4.0., Response to Comment 18. EPA suggests that one way to expand public access to fact sheets would be to include a listing of available fact sheets and other publications in an insert in the bi-monthly environmental restoration update which is mailed to the entire mailing list. The insert could include either a tear out order form or a telephone number for requesting copies.

Section 4.0., Response to Comment 20. You refer to the Monthly Progress Reports on Environmental Restoration. Be sure to include where these documents are available.

Section 4.0, Response to Comment 21. In the last sentence of the first paragraph DOE says that although information about waste management programs and on the potential health

effects of various chemicals used at Rocky Flats does not fall within the scope of the CRP, DOE is responding to the "latter issue". What is "the latter issue"? If DOE is implying that potential health effects of various chemicals used at the plant do not fall within the scope of the environmental restoration program, that is inaccurate to the extent that there is the remotest possibility that any of these materials could be contaminants to be addressed through the environmental restoration process. It is far better to indicate that the chemicals will be addressed in the risk assessments within the RI/FS process than to hide behind the very dubious technicality that they may not be within the scope of the environmental restoration program.

Section 4.0., Response to Comment 22. DOE should also emphasize the importance of the Technical Review Group in allowing public involvement in the early stages of RFI/RI Workplan development. The public participation in this review group is intended to provide the involvement requested by this comment.

Section 4.0., Response to Comment 23. In the final sentence DOE indicates that it is currently "considering" placing earlier reports of unplanned events in the Reading Room. "Considering" is really not a response--too equivocal. Please indicate in the response when the decision will be made and how that decision will be communicated to the public. Better still, commit to placing the reports in the Reading Room.

Section 4.0., Response to Comment 24. DOE should also state that the effectiveness of the presently utilized communication mechanisms needs to be evaluated prior to making a decision regarding the need for the electronic bulletin board. Also, DOE should respond to the request for a voice-activated information system.

Section 4.0., Response to Comment 31. DOE should describe how the needs of the community addressed within this plan were identified (i.e. the community interview process). DOE also should point to the sections in the CRP that explain the community needs as identified in the interview process. Also indicate, that if the commentor feels that specific community needs have not been identified or addressed, DOE would welcome hearing from that part of the community so affected.

Section 4.0., Response to Comment 33. DOE should consider listing the communities identified within the comment as close in communities which may have special interest in the cleanup activities undertaken at the RFP.

Section 4.0., Response to Comment 34. DOE should amend the CRP to include references to the pondcrete incident. Waste treatment and disposal is a concern both for current operations and environmental restoration operations. This should be so listed in the CRP. Also, the response indicates that detailed information on the plant's past and current activities is available to the public in other documents. Please cite which documents and where they are available to the public.

Section 4.0., Response to Comment 39. Not all of the plutonium contamination was removed, nor were all soils contaminated with the plutonium covered by the pad. Thus there is still the potential for resuspension of plutonium. It is incorrect to advance the idea that because of the pad there is no further residual contamination and that resuspension is no longer a problem. Further, onsite construction projects must comply with dust control procedures, but these procedures do not prevent the resuspension of plutonium particles. The procedures are only intended to minimize the resuspension and mitigate potential consequences of such resuspension.

Section 4.0., Response to Comment 41. In the first sentence of the second paragraph remove the preposition "on" to read "reported in the major newspapers."

Section 4.0., Response to Comment 42. DOE refers to public tour programs. Have public tours been resumed? If the tours have been suspended, they should not be mentioned in the Responsiveness Summary unless a date certain can be provided when they will be resumed.

Section 4.0., Response to Comment 44. Is the administrative record available for public review at several locations? EPA has only recently seen a copy of the administrative record index. Also, an appointment is no longer needed to access the Monitoring Council information repository.

Section 4.0., Response to Comment 45. DOE must take care to coordinate environmental restoration activities with production activities. It appears that this coordination may not have been completely thought through, as we find that DOE intends to continue to use ponds A-1, A-2, B-1 and B-2 for spill containment without consideration of the remedial investigations which are ongoing and without thought about potential conflicts arising as a result of use of these ponds after remedial action has taken place.

Section 4.0., Jefferson County's Introduction. Does DOE provide similar VIP treatment to other publics such as environmental groups, the Monitoring Council, etc.?

Section 4.0., Response to Comment 46. The DOE response is incomplete. Regardless of the commitment to update future CRPs, DOE should consider use of the data available through the Jefferson County Planning Department and from the cities in the immediate area in the revision of the CRP to be presented to the public concurrent with the presentation of this responsiveness summary.

Section 4.0., Response to Comment 53. Public comment must be solicited for all decisions regarding response action for this OU. This applies to decisions regarding action and no further action. It also applies to interim remedial actions.

Section 4.0., Response to Comment 55. DOE could also expand the topics considered by the TRG, rather than form new groups to address other environmental restoration topics.

Section 4.0., Response to Comment 58. The DOE response does not support the statement that all tritium deposited in Great Western Reservoir has since decayed to levels found naturally in the environment. Also, please indicate what DOE believes to be the levels naturally occurring in nature.

Section 4.0., Response to Comment 61. Check to see if a groundwater monitoring well along Indiana has shown contamination several times, not just once.

Section 4.0., Response to Comment 62. The response does not address the entire comment. It does not address the contention that news releases are issued late in the day and on Fridays and that this timing makes response difficult for interested parties.

Section 4.0., Response to Comment 65. DOE agreed to consider this proposal within the context of the IAG Responsiveness Summary. Has DOE decided finally not to allow this? Also, the final sentence in the response is antagonistic and is best left out of the document.

Section 4.0., Response to Comment 66. The DOE response is not complete.

Section 4.0., Response to Comment 67. To use the phrase "may not be shared" implies that it is only a matter of courtesy. This last sentence of the first paragraph should be deleted. In addition, DOE may wish to discuss the pragmatic infeasibility associated with the RFCC proposal.

Section 4.0., Response to Comment 68. DOE may wish to expand this answer to say that if issues arise that necessitate

revision of the plan more frequently, DOE will do so.

Section 4.0., Response to Comment 70. The response needs to address the business hours only visitation issue. DOE may want to consider talking with the Monitoring Council to see if on some of the evenings when the Reading Room is not open, the Council would consider staffing their office.

Section 4.0., Response to Comment 73. DOE should consider including this information within the CRP as it does impart visual information which may promote greater public involvement in the clean up process. The response should also tell where the documents are available.

Section 4.0., Response to Comment 79. In the third sentence the word "problem" is misspelled.

Section 4.0., Response to Comment 83. Nor is the list intended to be inclusive of all compounds potentially released from the plant. It was derived from preliminary information within DOE documents and is not limiting on remedial investigations.

Section 4.0., Response to Comment 88. DOE agreed to make some changes in the demographic information in the CRP as a response to comments by the local governments. You should cite these responses here.

Section 4.0., Response to Comment 89. One purpose of the CRP is to identify potential sensitive populations like day care centers, retirement homes, that are closest to the plant.

Section 4.0., Response to Comment 97. End the second sentence after the word "nature." The rest is argumentative and unnecessary.

Section 4.0., Response to Comment 99. The DOE response should also address why the Stone lawsuit is not referenced. DOE may also want to reference the two class action suits in the CRP.

Section 4.0., Response to Comment 101. Have the public tours been resumed? If so, be sure to explain in the CRP how persons can arrange for such a tour.

Section 4.0., Response to Comment 103. The response should show ways in which the public influenced DOE actions so that the persons reading this response don't think that you are conceding this point. This document will be read by the whole public not just this commentor.

Section 4.0., Response to Comment 106. DOE should consider the replacement language, with corrections. The detail within the replacement language does not seem excessive. For example can DOE list the distance of the plant from the nearest community and closest home?

Section 4.0., Response to Comment 107. DOE should refer the reader to documents or information which does address these issues.

Section 4.0., Response to Comment 108. This response misses the heart of the concern. Drainage from the plant can enter the reservoirs (else why the need for the massive diversion project and new reservoir to replace Great Western?).

Section 4.0., Response to Comment 109. The tone of this response is particularly negative. It is important for DOE to keep an open and responsive posture. DOE should delete the second sentence or should rephrase the response to avoid adverse implications.

Section 4.0., Response to Comment 110. Many CRPs do contain timelines. Perhaps DOE could do an accurate timeline in the final CRP.

Section 4.0., Response to Comment 114. Milestone deadline extensions are also reported in the monthly information reports provided by DOE, CDH and EPA to the Environmental Monitoring Council.

Section 4.0., Response to Comment 115. The gravel operation is not along Highway 93. Information should be given regarding the approximate distance from the plant to the gravel operation.

Section 4.0., Response to Comment 116. It is important that the CRP identify all activities of a sensitive nature that take place around the facility. The text of the CRP could be expanded to reflect these sensitive populations.

Section 4.0., Response to Comment 117. DOE should provide further insight into the citation of CERCLA 120(g) and should discuss the practical infeasibility associated with implementation of the commentor's plan. DOE should explain that there exists no mechanism in law for a binding citizen dispute resolution process. DOE has indicated at public meetings that it is willing to explore an informal process if a framework that is mutually satisfactory can be developed. The Responsiveness summary should be changed to reflect this. In addition there could be discussion of the purpose of the TRG.

Section 4.0., Response to Comment 119. Now that Rocky Flats Environmental Monitoring Council has hired full time staff it is open to the public without previous appointment. In addition, DOE might talk with the Council about the possibility of alternating evening hours.

Section 4.0., Response to Comment 120. If DOE is providing documents to the Reading Room upon request, it can and should also provide the same documents to the other repositories. Also, Rocky Flats should also make available a bibliography of documents available in the Reading Room. That bibliography should be periodically updated.

Section 4.0., Response to Comment 121. The facility does mail copies of the notice to the mailing list. DOE should mail the notices earlier so that they serve the purpose for which they are intended, namely, public notification of the upcoming meeting.

Section 4.0., Response to Comment 126. DOE should amend the CRP to reflect the fact that there are differences of opinion about the nature and impact of the accidents, etc. and give examples.

Section 4.0., Response to Comment 154. DOE should amend the CRP to indicate that resuspension during cleanup activities is a public concern.



COLORADO
DEPARTMENT
OF HEALTH

July 22, 1991

ROY ROMER
Governor

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Interim Executive Director

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Mr. Martin Hestmark
U.S. Environmental Protection Agency
Region VIII
999 18th Street, Suite 500, 8WM-C
Denver, Colorado 80202-2405

RE: DRAFT RESPONSIVENESS SUMMARY (RS), ROCKY FLATS
COMMUNITY RELATIONS PLAN (CRP), June 21, 1991

Dear Mr. Hestmark,

The Colorado Department of Health, Hazardous Materials and Waste Management Division (the Division), has reviewed the above referenced document prepared by DOE and it's prime operating contractor, EG&G. In general, we feel that DOE and EG&G have done a good job of responding to the concerns, corrections, and issues that were raised by commentors during the public comment period. Therefore, we recommend approval of this Responsiveness Summary for the Rocky Flats CRP.

One issue that was raised in both the written and oral comments is the implementation of a citizens dispute resolution process. We would encourage DOE and EG&G, along with EPA, to either make an effort to formalize such a process or make it clear that no such process will be available. The response to comments on this issue make no commitments on when and how, or if, this process will be made available. The Division suggests that this issue be clarified for the public.

Additionally, the responses to some comments do nothing to help clarify the issues in question. For instance, the response to comment 12, an issue that we commented on in the draft CRP, says that a complete analysis of the interviews is included in the Administrative Record. No information is included on how this analysis is filed in the Administrative Record, what the document is called, and how to find it. This information needs to be included. The response to comment 35 only grudgingly acknowledges that the releases of radioactive material may be much higher than DOE estimates. This is a very important issue to the public and a more thorough discussion would help

public understanding. Comment 46 indicates that the Jefferson County Planning Department has the data in question, yet the response indicates that another source, the Census Bureau, does not have it. Acknowledgement, in the response, that Jeffco has been called and consulted regarding their data is necessary. Additionally, if their data can be used, the Final CRP should be revised to incorporate it. Waiting for the revision in two years is not acceptable. These are examples of incomplete responses. We would urge DOE and EG&G to review the entire RS and to expand responses wherever necessary to completely address the comments.

If you have any questions regarding these matters, please call Joe Schieffelin of my staff at 331-4421.

Sincerely,



Gary W. Baughman
Unit Leader, Hazardous Waste Facilities
Hazardous Materials and Waste Management Division

cc: Beth Brainard, DOE
Terry Smith, EG&G
Jill Paukert, EG&G
Sonya Pennock, EPA
Barbara Barry, RFPD